G R S App F IX-4]

1943-'44 (Jul) File No 148-43

Previous References

Serial Nos 3, 4, 5

Later References

10

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2

Part B for Dec 43

SUBJECT

Payment of court costs by the Hemmu Town Cldty to Dr H C Nanjundaiah in connection with his filing a suit against the Mldty for the recovery of the value of 3 cart wheels belonging to Rem

To the Dec Hyd H
" C Conigr
L 6148-9 dt 16/12/43

Sanctions the proposal

OFFICE OF THE DEPUTY COMMISSIONER
MYSORE DISTRICT

No D3-C 612 of 43-44
Fncl

Dated. Mysore, the September 21, 1943

FROM

C M H RANAJODHA SINGH, Esq., B A ,
Deputy Commissioner, Mysore District

To

C NARAYANASWAMI NAIDU, Esq., B A , B L ,
Secretary to the Government of Mysore
Law Department, *Bangalore*

Sir

Civil Suit in O S No.28 of 42-43
(H. Nanjunda Setty Vs Hunsur Town Municipal Council) on the file of the Munsiff's Court at Hunsur

---

I have the honour to forward herewith a copy of report No.H C.11 of 43-44, dated the 29th August 1943, received from the President, Town Municipal Council, Hunsur, on the above subject and to state as follows -

One Mr H. Nanjunda Setty of Hunsur filed a suit against the Municipality in the Munsiff's Court at Hunsur for the recovery of the value of three cart wheels belonging to him (Mr Nanjunda Setty) which were said to have been distrained and sold away wrongfully for the arrears of Municipal Taxes due from one Mr Syed Rahim Sahib.

The suit went against the Municipality and it was decreed that the Municipality should pay Rs 60/- with interest by way of damages at 6% per annum from 6th March 1942 upto the date of suit together with notice charges of Rs.2-8-0 with Court costs and current interest. The Municipal Council at their Special Meeting held on 28th August 1943, have resolved that the decree need not be appealed against and that the amount referred to the decree may be paid from Municipal Funds out of the Closing Balance

The Government Pleader, who was consulted in the matter is of opinion that this is not a fit case for appeal and I also agree with him

In these circumstances, I request you to be so good as to obtain sanction of Government to the resolution of the Hunsur Town Municipal Council for the payment of the amount referred to in the decree from the Closing Balance of the Municipality and communicate the same to this office at an early date.

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Mysore District

Copy - Overleaf.

YBR

Sent with a draft Govt Sanctioning & approval
Pl call for the entire records
Case whether to fully accept the decree

ENCLOSURE.

In submitting herewith the copy of the resolution, of the Special Meeting held on 28th August 1943, I beg to state as follows -

During the time of my predecessor namely Mr M Narasimhiah, B A , LL B., one Mr. H. Nanjunda Shetty of Hunsur Town launched a Civil Suit ~~xxx28thxx~~ O S.28 of 42-43, plaintiff H. Nanjunda Shetty Vs Defendant, Hunsur Town Municipal Council President in the Munsiff Magistrate's Court at Hunsur against the Municipal President claiming that some cart wheels destrained and sold for arrears of Municipal Revenue due from one Mr Syed Rahim belonged to him etc , The suit was being defended by the Municipality through the counsel as resolved by the Municipal Council in their meeting held on 10th August 1942 Finally the suit went against the Municipality and it was decreed in the Judgement announced on 26th July 1943, that the Municipality should pay Rs 60/- with interest by way of damages at 6% per annum from 6th March 1942 up to the date of suit together with notice charges of Rs 2-8-0 with court costs and current interest Copy of the Judgement was obtained on 14th August 1943 and the Councillors in the special meeting referred to above have resolved that the decree need not be appealed against and the amount referred to in the decree should be paid from the Municipal funds out of the closing balance.

The one important factor in this case is that the Vice President Mr H R T Rajagopala Mudaliar has appeared as a witness for the Plaintiff and deposed against the Municipality and against the action of the then President The main facts in the judgement against the Municipality are (1) that the wheels did not belong to the defaulter, Syed Rahim, that they belonged to the Plaintiff H Nanjunda Shetty, that the distraint was irregular and that the sale of the said wheels did never take place

In para 6 of the Judgment the learned Munsiff contends that the Vice President, has also supported the Plaintiff's case that the sale did not take place at all The judgement copy of depositions on both the sides obtained in the suit are also herewith submitted for kind perusal and instructions in the matter

Though the Councillors in their special meeting have resolved not to go in appeal etc , I would like to submit that the prestige of the Municipality and bonafide actions of the official presidents would be at stake at every step as suits like this will set an example to one and all

In case there were to be an appeal the appeal will have to be filed before the 12th September 1943 and the Public Prosecutor will have to be consulted regarding the merits of the case in favour of the Municipality In case the Council resolution is to be followed sanction of the Government has to be obtained to pay the amount as resolved immediately as it is more likely the Plaintiff would press for the execution of the decree soon after the appealate time is over that is 12th September 1943

Under these circumstances, I solicit immediate orders and further instructions in the matter

=======

"Copy"

M. Narasimhiah

for Deputy Commissioner, Mysore

TYPING SECTION
27 SEP 1943
GEN & REV SECTT

Secs A

5) Dy Sr Collector for Records as also enquiry re exact decree amount to be paid, is subd & after

4) [illegible]

d 3797 dt 27.9.43 from the Dist Collector calls for certain information from the DC Moore Sr

letter no D3-C 612/43-44 dt 12.10.43 forwards the records relating to the case and states that the total amount to be paid as per decree is Rs 3940-0-0 as per details, besides the current interest upto the date of payment

5) Advt for orders with reference to paras 2-4

6) A detailed note with proposals for orders may be put up

7) A distraint warrant was issued by the President of the Hussain Dorai Municipal Council for recovery of municipal dues from one Mr Syed Abdur Rahim, who is a worker in Dorai. In execution of the warrant, 3 cart wheels which were found in the premises of the defaulter were seized. These wheels were claimed by one Mr Narayandas Ajj as his, as they were prepared by two persons other than the defaulter in whose premises they were working. In spite the timely application to the President

available
and production of evidence to prove his claim,
they were ~~were~~ not returned to him but sold
away by public auction 31 3 43 Mr Ranjinda
Setty filed a suit against the Municipality
for recovery of the loss sustained by him in
the said action of the Municipality The Munsiff,
having instituted a regular enquiry to establish
the truth of the claim, passed a decree against
the Municipality to pay a sum of Rs 90-4-0
made up 1) Cost of the three Wheels Rs 60-0-0
2) Notice Charges 1 2-8-0
3) Court Cost of the Plaintiff " 19-5-0
4) Interest on the above
amount from 6 3 42 8-7-0
to date of Suit

Total 90-4-0

The decreed amount carries ~~out~~ current interest
from the date of decree to the date of payment
The ~~Commissioner~~ has consulted the Govt
Pleader as to whether an appeal may be
made against the decree the Govt Pleader
has opined that it ~~is~~ not a fit case for
appeal on the grounds stated in his letter
dated 8-9-43 (Flag C)

The Municipal Council has finally
decided to pay the amount to the Plaintiff
Mr Ranjinda Setty meeting the cost from out
of the Electric balance and to reference

WD 01809—GPB—60 000—26 1 43

have been received.

It is nowhere evident whether in spite of all these proceedings, the Hammer dues were recovered from the defaulter. ~~were recovered.~~

Subd with reference to para 6.

MMS 2.11.43 Kind reference is invited to the opinion of this Govt Pleader Mysore (Page 1), in which all the aspects of the case as set forth in the judgment are dealt with.

This case appears to be the result of party feeling on the part of the Municipality and the vice President has himself deposed in the Munsiffs Court against the acts of the President.

It will be seen from the portion marked A in the Govt Pleaders letter that, if the President had, after proper enquiry, released the articles in question, the Municipality would have been saved all this expense.

The Municipality have resolved to pay up the expenses amounting to Rs 90/4/- with interest upto date of payment. The D.C. has recommended sanction to it. It may therefore be sanctioned, as it is an inevitable item of payment.

Law Secy's Note
The Council has to pay it in any case. The only question

SECY LA V DEPT 1943

OFFICE OF THE MI ST
FOR L S G & P 4
Date 19 11 43
No 3228

GEN & P CTT

Be pleased approved
1 Month 2-59 Lee 19-11-43
for
VG
27 11 43
Lee
29-11-43
Dft/Ltr pl
Sig 1/12/43

Dft/Ltr sent to appl
JWS 1/12/43 JW
issued
1/12/43
To be Nyme + completion report
No L 6148-99 16-12-43
States that the amount may be
paid by the Municipal council out of their
Clg balance

By JWS 23/12

తా 28/8/1943తేదీన్ నా నివారణ పంథొమ్మిదవ మూడు గంటలలో
ఈ క్రింది తీర్మానము చివరన ముని సిపల్ కౌన్సిలు సభ్యులు చేరినట్లు
యిట్టి మీటింగులో ఏ ఛైర్మను ప్రీసైడు చేసిరి —

ఛాటరు
13

స్వీకరించినది
8

I am in నంబుండు శేట్టరు మున
సిపాలిటీయందు మేటి లుద్యోగము
లన్ని చావాధీనం తప్పించుటకు
కతేర్న ఎ చాకలదిన్ని తీసి మూస్
నికుంది ఎ చాకల

Managing Committee No 1
dated 27/8/1943

అని నంబుండు శేట్టరే కేటినళ్ళు
చందిరువు ఇర్వు మండుచాచిగళ్ళు
మత్తు నాల్గాళ్ళ ప్రేతయిన్ను కాచి
గళ్ళను ఒది పెట్టినుండేండుద్దరళ్ళు
వాదిసి తీర్మానములను యున
గిక్కతాళ్ళుండినంద హాంటిబరుచేం
కతే మూడ్ నసిలాయ్

మ్యునిసిపాలిటీ రయిలుదారుల
తులసియున్ను తీసివేతలకులాయ్
ఆకిల్లమడి బోదాన్నిళ్ళు
చేంచూ, తిర్మయుంకే మొదల
వన్ను మునిసిపల్ కుంతినందు
కాపుచేసి మూడుకేన్న చేందూ, కుదరించిన
లనున్ను మునిసిపాలిటీయందు రేగ్యూలేషన్
బ్యాలేన్సేనుటన్ను మాడుచేన్న
చేందూ ఈ వాడనుముచేయింద అను
మోదిక లాయ్ తూ చావాదిళ్ళు
తీసికతేన్న బచ్చుట కుళ్ళలన్నేన్న ఛర్మాన్
మాడలాయ్

(సం) వి Ramakrishnayya
ఈ ప్రకారము 28/8/43
Honour

exchange

Ramakrishnayya 29/8/43
President
Town municipal Council
Honour

Appendix F G —1]

SUBJECT

Section M

File No

Serial No

Diary No of letter replied to

No L3797

To

The S.C. Mysore Dist

General and Revenue Secretariat

( )

the *194*

Sir,

Date of issue 2/9

With reference to your letter No D3-C 6128/43-44 dt 21-9-43 re the amount ~~of~~ out of funds in connection with the H Nanjunda Setty's decree against the Hunsur Town Municipality, I am directed to request you to ~~keep~~ ~~compel~~ to send obtain and forward the entire Records of the Case ~~and to acquire~~ information as to the exact ~~as to what is exactly~~ the amount that has to be paid according to the decree ~~in making my letter~~ as expected

Signed by

List of enclosures

Codied by

Examined by

for Secretary to Govt

2/9

WD C4161—GPB—60 000—24 10 41

2304

OFFICE OF THE DEPUTY COMMISSIONER
MYSORE DISTRICT

No D3-C.612/43-44
Encl Orig file (one)

Dated Mysore the October 12, 1943

ml 148-43-3

FROM

C M H RAJAJODHA SINGH, Esq , B A ,
Deputy Commissioner Mysore District
MYSORE

To

C NARAYANASWAMI NAIDU, Esq , B A , B L ,
Secretary to the Government of Mysore
Law Department, *BANGALORE* Camp Mysore

SIR

Civil Suit in O S No 28 of 42-43
(H Nanjunda Setty VS Hunsur Town
Municipal Council) on the file of
Munsiff's Court, Hunsur

With reference to ypur letter No L 3797/M1 dated the 20th September 1943 on the above subject, I have the honour to forward herewith the records connected with the case and to state that the amount that has to be paid according to the Decree would come to Rs 90-4-0 as detailed in the margin In addition to this, interest up to the date of payment has to be paid

Cost of three wheels	Rs 60/-
Notice Fees	Rs 2/8/-
Court cost of the plaintiffs	Rs 19/0/-
Interest on the above amounts from 6-3-42 ~~to 6-11-43~~ date of suit	Rs 8/7/-
	Rs 90/4/-
	+ Interest up to the date of payment

I have the honour to be,
Sir,
Your most obedient servant,

For Deputy Commissioner,
Mysore District

HRJ

SUBJECT

abd

Diary No of letter replied to 2304/L

General and Revenue Secretariat

( )

the *194*

Date of issue 16/12 194

Signed by Mr. G R Rao

18 B

May this be—

(i) printed ?

(ii) treated as a Standing Order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the Press ?

(iv) published in the Gazette Kannada Part ?

Section Rev

File No 148-43

Serial No 5

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— Correspondence enduing with letter No. D3-C 612/43-44 dated 12th October 1943 from the Dy Commr Mysore & in Connection with a suit filed by the Municipal Council Hunsur against Messrs Hanumanta Setty & Hunsur Town Municipal Council in the Munsiff's Court at Hunsur for the recovery of Rs. 1-4-0 being the value of three carts said to have been distrained and sold away wrongfully for the arrears of municipal taxes due from one Mr Syed Rehim Saheb, it was decreed by the Court that the Municipal

Council
do pay to the Plaintiff
Mr Rangunda Seth, a sum of
Rs 90/4/- made up of the
several items noted in the
margin and requesting sanction,
as resolved by the Hatsuru
Town Municipal Council at
its meeting held on 28 th
August 1963, that the amount
referred to in the decree may
be paid from, ~~out of the municipal funds~~
out of the Council balance of
the Municipality

Rs 61/46 of
Cancelled

Pl copy from
the P U D

with interest up to the date
of payment

List of Enclosures

for
Secy to Govt
Law Dept

To the Dc Mysore & Wm
Commissioner to Govt

Copied by

Examined by